

HOUSE RESEARCH ORGANIZATION • TEXAS HOUSE OF REPRESENTATIVES

P.O. Box 2910, Austin, Texas 78768-2910  
(512) 463-0752 • <http://www.hro.house.state.tx.us>

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# HOUSE RESEARCH ORGANIZATION

## daily floor report

Monday, May 11, 2015  
84th Legislature, Number 67  
The House convenes at 10 a.m.  
Part Two

Eighty-two bills are on the daily calendar for second-reading consideration today. The bills analyzed or digested in Part Two of today's *Daily Floor Report* are listed on the following page.



Alma Allen  
Chairman  
84(R) - 67

## **HOUSE RESEARCH ORGANIZATION**

Daily Floor Report

Monday, May 11, 2015

84th Legislature, Number 67

Part 2

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**SUBJECT:** Establishing the ability to return mailed voter ballot in person

**COMMITTEE:** Elections — favorable, without amendment

**VOTE:** 7 ayes — Laubenberg, Goldman, Fallon, Israel, Phelan, Reynolds, Schofield  
  
0 nays

**WITNESSES:** For — Ed Johnson, Harris County Clerk's Office; Alan Vera, Harris County Republican Party Ballot Security Committee; (*Registered, but did not testify*: Jacquelyn Callanen, Bexar County; Seth Mitchell, Bexar County Commissioners Court; Donna Warndorf, Harris County; Dana DeBeauvoir, Legislative Committee of County and District Clerks Association of Texas; Eric Opiela, Republican Party of Texas; Mark Mendez, Tarrant County Commissioners Court; John Oldham, Texas Association of Elections Administrators; Donald Lee, Texas Conference of Urban Counties; Glen Maxey, Texas Democratic Party; Bill Fairbrother, Texas Republican County Chairmen's Association; Erin Anderson, True the Vote; Mike Conwell)  
  
Against — (*Registered, but did not testify*: Brad Parsons)  
  
On — (*Registered, but did not testify*: Keith Ingram and Ashley Fischer, Secretary of State)

**BACKGROUND:** Election Code, sec. 86.006 requires that a marked ballot by mail be delivered to the early voting clerk by mail or by common or contract carrier.  
  
Sec. 63.0101 provides the guidelines for documentation of proof of voter identification. Acceptable forms of photo identification include a driver's license, election identification certificate or personal identification card; a U.S. military identification card, a U.S. citizenship certificate, a U.S. passport, or a license to carry a concealed handgun.

**DIGEST:** HB 1308 would allow the voter who marked the ballot by mail to deliver

it in person to the early voting clerk's office while the polls were open on election day. The voter delivering the ballot in person would be required to present an acceptable form of identification, as described by Election Code, sec. 63.0101.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

**SUPPORTERS  
SAY:**

HB 1308 would address a need and solve a problem that occurs at every election. Individuals who opt to vote by mail often complete their ballot but forget to mail it. On election day, it is too late to mail the ballot, but these individuals still want their vote to count. Under current law, clerks may not accept mailed ballots in person. This bill would allow mailed ballots to be submitted in person on election day with valid photo identification.

The bill would not require any extra work for government entities because they already receive these ballots by mail. Under this bill, they simply would receive those ballots in person instead. HB 1308 also would not lead to voter fraud. It would be safer to accept ballots in person, confirming the voter's identity with a valid photo identification card, than it is to accept them through the mail.

**OPPONENTS  
SAY:**

HB 1308 could create an opportunity for fraud by allowing in-person delivery of mailed ballots. These ballots should continue to be delivered by mail as under current law.

**SUBJECT:** Creating the Advisory Council on Hispanic Affairs

**COMMITTEE:** International Trade and Intergovernmental Affairs — favorable, without amendment

**VOTE:** 5 ayes — Anchia, R. Anderson, Bernal, Burrows, Koop  
0 nays  
2 absent — Lozano, Scott Turner

**WITNESSES:** For — J.R. Gonzales, Texas Association of Mexican American Chambers of Commerce; Marc Rodriguez, United States Hispanic Chamber of Commerce  
Against — None

**BACKGROUND:** Almost 40 percent of the population in Texas is of Hispanic origin, compared to about 17 percent nationally, yet observers note that Hispanics in Texas are underrepresented in certain sectors, such as in business and on state boards and commissions.

**DIGEST:** HB 1543 would establish the Advisory Council on Hispanic Affairs to advise the Office of the Governor on furthering the economic, social, legal, and political contributions and equality of the Hispanic population of Texas.

The council would be composed of nine members, including seven members appointed by the governor and two ex officio members of the Legislature, one of whom would be appointed by the speaker of the House and the other by the lieutenant governor. Appointing officials would have to make appointments by October 1, 2015, and would attempt to appoint members to achieve geographic representation of the Hispanic population from all areas of the state. The governor would designate a chair and vice chair of the council from the appointed members.

The bill would set out the term length each member would serve,

depending on who appointed them, and would require the council to meet at least quarterly each fiscal year. Members would not be entitled to compensation for council duties under the bill.

HB 1543 would specify the duties of the Advisory Council on Hispanic Affairs. Among other responsibilities, the council would be required to:

- monitor existing programs and legislation designed to meet the needs of the Hispanic population;
- facilitate meetings with the office of the governor and certain caucuses of the House and Senate to address the legislative needs of the Hispanic population;
- recommend Hispanics to serve on appointed state boards and commissions;
- evaluate the development of initiatives to assure fuller employment options and greater opportunities;
- work with health and medical experts in the private sector and at institutions of higher education to identify health concerns for Hispanics; and
- address equal treatment of the Hispanic population in the educational, judicial, and health systems by analyzing laws and monitoring their implementation and educating members of the Hispanic population about their legal rights and duties.

The bill also would require the council to collaborate with business organizations, stakeholders, and the Texas Workforce Commission to review state and local policies affecting business creation and expansion to develop policy recommendations for:

- streamlining or eliminating unnecessary barriers to business to develop entrepreneurship opportunities;
- creating a better business climate to increase opportunities for job creation, retention, and expansion;
- assisting in revitalizing the industrial, manufacturing, and high-technology sectors of the state's economy to better address needs of the Hispanic workforce; and
- strengthening employment opportunities to increase participation

of Hispanics in well-paying jobs and lower the unemployment rate within the Hispanic population.

The bill would require the council to submit a report of its recommendations to the governor, lieutenant governor, and speaker of the house of representatives by October 1 of each even-numbered year. The report would be required to include recommendations on the status and funding of state programs designed to address needs of the Hispanic population and recommendations on reforms, policies, and statutory changes to further the economic, social, legal, and political contributions of Hispanics in the state.

The bill would exempt the Council on Hispanic Affairs from Government Code, ch. 2110, which regulates the establishment, composition, and procedures of state agency advisory committees. The bill also would require state agencies and political subdivisions to cooperate with the council as much as practicable to implement the council's statutory duties.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

SUBJECT: Expanding authorization for sales from inmate manufacturing program

COMMITTEE: Corrections — committee substitute recommended

VOTE: 5 ayes — Murphy, Allen, Keough, Krause, Schubert

1 nay — J. White

1 absent — Tinderholt

WITNESSES: For — None

Against — None

On — Joe Hamill, AFSCME; Rick Levy, Texas AFL-CIO; (*Registered, but did not testify*: Joseph Halbert, Legislative Budget Board; Bobby Lumpkin, Texas Department of Criminal Justice)

BACKGROUND: Under Government Code, ch. 497 the Texas Department of Criminal Justice operates the Texas Correctional Industries (TCI) program, which gives inmates job training through manufacturing goods and providing services. Generally, TCI can sell its goods only to government entities, including city, county, state and federal agencies, and certain educational institutions.

DIGEST: CSHB 1810 would allow the Texas Correctional Industries (TCI) program to sell articles or goods to private vendors operating correctional facilities under contract with the Texas Department of Criminal Justice (TDCJ) and to state agency employees and retired state agency employees.

The Texas Board of Criminal Justice would have to adopt rules and best practices governing the purchase of articles and products by private vendors. The rules would have to provide that articles and products:

- could be shipped or used only in Texas and could not be resold or transferred to another facility in the state that was not operating under a contract with TDCJ; and



- could not be sold to a private vendor if the vendor currently purchased the items from a private business with a primary place of business in Texas.

The board would have to require vendors to report on their purchasing before switching to TCI purchases and to report to the Legislature savings realized by the private vendor after making purchases under the bill.

The board would have to adopt rules governing the purchase of articles and products by state employees and retired state agency employees. The rules would have to provide that the items be shipped and used only in Texas and could not be resold. The rules would have to cover the articles and products available for purchase, the minimum quantity and price of orders, a delivery and production schedule, and other factors to ensure TCI was not impeded in administering the program.

The bill would take effect September 1, 2015.

**SUPPORTERS  
SAY:**

CSHB 1810 would expand the potential market for Texas Correctional Industries (TCI) so the program could increase its ability to help inmates gain marketable skills and to reduce costs for the Texas Department of Criminal Justice (TDCJ). The bill would implement a recommendation in the January 2015 Legislative Budget Board report on government effectiveness and efficiency.

About 5,000 inmates work in the TCI program making numerous products, including garments, janitorial supplies, laundry supplies, stainless steel security fixtures, food service equipment, cardboard boxes, file boxes, dump truck beds and accessories, Texas state flags, and office furniture. Currently, TCI generally has authority to sell these products only to government agencies, with sales on the open market prohibited. This prohibition means TCI cannot sell goods to the 14 private vendors operating correctional facilities that may have demand for these products. These vendors may be buying goods on the private market for prices higher than those available from TCI. In addition, there could be a market for TCI goods for state agency employees and retirees, which also would support the program.

The bill would address this situation by allowing TCI to sell products to these vendors and to state employees and retired state employees. This small, reasonable expansion of TCI's market could help offenders and the state by allowing the TCI program to grow. The TCI program could earn about \$2.9 million annually, beginning in fiscal 2017, from sales authorized under the bill, according to the fiscal note. These funds could be used to expand the program, allowing more offenders to gain valuable work skills. TDCJ reports that the longer offenders work in the TCI program before being released, the less likely they are to return. Lower recidivism improves public safety and saves the state money.

The bill would be an option for selling TCI goods that would be in line with policies in several states that allow sales to state employees, retired employees, and private prison vendors.

CSHB 1810 would be a narrow expansion of TCI's sales authorization containing safeguards to ensure that it did not hurt Texas' private businesses. Sales would be prohibited to private vendors if they were already buying the items from a Texas business, and private vendors could not resell or transfer articles to facilities not under contract with TDCJ. The bill would ensure accountability and transparency in the transactions by establishing a reporting mechanism to track purchases with private vendors. The reporting mechanism set up in the bill would allow the state to monitor profits realized by from TCI purchases, which could factor into future contracts with the vendor.

**OPPONENTS  
SAY:**

The state should be wary of providing goods that could be priced below-market to vendors running private correctional facilities for profit. The vendors could realize savings from purchasing goods from TCI and see an increase in their profits, without the state seeing any benefit.

**SUBJECT:** Posting meeting notices of joint airport boards electronically

**COMMITTEE:** Transportation — favorable, without amendment

**VOTE:** 12 ayes — Pickett, Martinez, Burkett, Y. Davis, Fletcher, Harless, Israel, McClendon, Murr, Paddie, Phillips, Simmons

0 nays

**WITNESSES:** For — (*Registered, but did not testify*: Brandon Steinmann and James Crites, DFW International Airport; Kelley Shannon, Freedom of Information Foundation of Texas; Michael Schneider, Texas Association of Broadcasters)

Against — None

**BACKGROUND:** Transportation Code, sec. 22.074 enables multiple local governments to form joint boards to administer airports and other air navigation facilities. The joint board has the authority to plan, acquire, establish, construct, improve, equip, maintain, operate, regulate, protect, and police an airport or other facility under its purview.

Government Code, ch. 551 contains provisions related to open meetings requirements. Sec. 551.001 provides a definition for a governmental body, which includes county commissioners courts, school boards, and city councils. Sec. 551.056 requires governmental bodies that maintain websites to post their meeting notices online.

Dallas-Fort Worth International Airport (DFW) is administered by a joint board created under Transportation Code, sec. 22.074. Joint boards created by this statute are not included in the definition of governmental body in Government Code, sec. 551.001. Because of this exclusion, DFW's joint board is not covered by the electronic posting provisions of ch. 551.

**DIGEST:** HB 1913 would amend Government Code, ch. 551 to require joint boards created under Transportation Code, sec. 22.074 to post notice of meetings

on their website. The bill also would include joint boards in the definition of governmental bodies under ch. 551.

HB 1913 would add a subsection to ch. 551 requiring airport joint boards to post notices of meetings on a physical or electronic bulletin board in a place visible to the public at their administrative offices.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015. The bill would apply only to notice that was required to be posted on or after the effective date.

SUBJECT: Requiring certain local governments to post video of open meetings online

COMMITTEE: Government Transparency and Operation — committee substitute recommended

VOTE: 7 ayes — Elkins, Walle, Galindo, Gonzales, Gutierrez, Leach, Scott Turner

0 nays

WITNESSES: For — Heidi Hansing, City of League City; Kelley Shannon, Freedom of Information Foundation of Texas; Bryan Halley, Swagit Productions, LLC; Jess Fields, Texas Public Policy Foundation; Susan Fletcher; John Keating; Kathleen Thompson; (*Registered, but did not testify*: Chris Jones, Combined Law Enforcement Associations of Texas (CLEAT); Barbara Harless, North Texas Citizens Lobby; Michael Schneider, Texas Association of Broadcasters; Donnis Baggett, Texas Press Association; Terri Miller)

Against — John Dahill, Texas Conference of Urban Counties

On — Ruben Longoria, Texas Association of School Boards

DIGEST: CSHB 283 would require the following governmental bodies to record video and audio of meetings and make the recordings available online:

- metropolitan rapid transit authorities;
- regional transportation authorities;
- municipal transit departments;
- elected school boards of districts with 10,000 students or more; and
- county commissioners courts or elected governing bodies of home-rule municipalities for counties or municipalities with a population of 50,000 or more.

The bill would require each regularly scheduled open meeting that was not a work session or special called meeting to be recorded and for an archived copy of the recording to be made available online.

The governmental bodies would not be required create a separate website for the purposes of the bill and instead could use an existing publicly accessible video sharing or social networking website to host the recordings. A governmental body that already maintains a website would be required to provide links to the archived recording in a conspicuous manner on its website.

The bill would require that these recordings be made available online no later than seven days after the meeting and would have to be available online for at least two years after the recording was first made available.

The bill would allow an exemption in the event of a technical breakdown, or a catastrophe that interfered with a governmental body's ability to conduct a meeting as defined in Government Code, sec. 551.0411. After a breakdown or catastrophe, governmental bodies would be required to make all reasonable efforts to make recordings available in a timely fashion.

The bill also would allow governmental bodies to broadcast regularly scheduled open meetings on television.

The bill would take effect September 1, 2015, and would apply only to an open meeting held on or after the effective date.

**SUPPORTERS  
SAY:**

CSHB 283 would improve transparency and access to government by ensuring that recordings of open meetings were made available online. Individuals who find it difficult to attend meetings because of a disability or simply due to a busy schedule could keep up with the actions of a governmental body if a recording was posted online.

In some cases, governmental bodies have been reluctant to record meetings and make them available on the Internet, even when citizens have specifically requested that recordings be made available online. The bill would ensure uniform rules so that members of the public would be able to access these recordings no matter where they lived in the state.

Current technology makes recording and posting meetings online

inexpensive, simple, and convenient, and the requirements of this bill could be fulfilled with equipment as minimal as a cell phone capable of recording video and a publicly accessible website such as YouTube. This bill would help the public stay engaged and informed regarding the activities of these governmental bodies.

**OPPONENTS  
SAY:**

CSHB 283 could be burdensome to many local governments due to the cost of equipment and skilled technicians necessary to record video and audio of reasonable quality from the meetings. Although cell phones can record audio and video, the quality would be unacceptable to many viewers, and the length of meetings might preclude the use of mobile devices due to battery and file size storage limitations.

Many local governments already record meetings and post the recordings online. Jurisdictions where members of the public express an interest in watching meetings online can budget for the service. Jurisdictions where there was little interest could spend their funds in a way that would better serve their constituents.

**SUBJECT:** Allowing reimbursement for telemedicine services to children

**COMMITTEE:** Public Health — committee substitute recommended

**VOTE:** 11 ayes — Crownover, Naishtat, Blanco, Coleman, Collier, S. Davis, Guerra, R. Miller, Sheffield, Zedler, Zerwas  
0 nays

**WITNESSES:** For — Julie Hall-Barrow, Children’s Health System of Texas;  
(*Registered, but did not testify*: Ray Tsai, Children’s Health Pediatric Group; Gregg Knaupe, Seton Healthcare Family; Mariah Ramon, Teaching Hospitals of Texas; Amanda Martin, Texas Association of Business; Jaime Capelo, Texas Chapter American College of Cardiology; Nora Belcher, Texas e-Health Alliance; Dan Finch, Texas Medical Association; Clayton Travis, Texas Pediatric Society; John Davidson, Texas Public Policy Foundation; Stephanie Mace, United Way of Metropolitan Dallas; Casey Smith, United Ways of Texas)  
  
Against — None  
  
On — (*Registered, but did not testify*: Laurie VanHoose, Health and Human Services Commission)

**BACKGROUND:** Under Government Code, sec. 531.02162(b), the Health and Human Services Commission (HHSC) is required to establish policies permitting the reimbursement under Medicaid and Children’s Health Insurance Program for telemedicine medical services.  
  
1 Texas Administrative Code, Part 15, Ch. 354, Subch. A, Div. 33, §354.1432 outlines the limitations on reimbursement for telemedicine established by HHSC, including that telemedicine services must be provided at an approved patient site. A patient’s home is not included in the list of approved sites for reimbursable telemedicine services.

**DIGEST:** CSHB 2082 would require HHSC to implement a program through which an eligible child could receive home-based telemedicine services as a



Medicaid benefit. The bill would define “telemedicine” as patient assessment, diagnosis, consultation, treatment, or transfer of medical data provided by a physician using advanced telecommunications technology.

Under CSHB 2082, a child would be eligible for inclusion in the program if the child received Medicaid services and had been diagnosed with an end-stage solid organ disease or a condition that required a mechanical ventilator, other dependence on technology, or treatment by three or more specialists.

By January 1, 2019, and at other subsequent times as determined by the executive commissioner, HHSC would be required to submit a report to the Legislature on the clinical outcomes of the program and its impact on medical costs.

The commissioner could adopt rules to implement the program. If a state agency determined that a federal waiver or authorization was required to implement a provision of the bill, the agency would be required to request the waiver or authorization and could delay implementation of that provision until the waiver or authorization was granted.

The bill would take effective September 1, 2015.

SUBJECT: Criminal record nondisclosure for prostitution by trafficking victim

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 5 ayes — Herrero, Moody, Leach, Shaheen, Simpson  
0 nays  
2 absent — Canales, Hunter

WITNESSES: For — Kelly Cruse and Tom Mills, New Friends New Life; (*Registered, but did not testify*: Katie Pedigo, New Friends New Life; Kristin Etter, Texas Criminal Defense Lawyers Association)  
  
Against — None  
  
On — (*Registered, but did not testify*: Shannon Edmonds, Texas District and County Attorneys Association)

BACKGROUND: Under Government Code, sec. 411.081(d), persons receiving a discharge and dismissal from deferred adjudication (a form of probation) who also meet certain conditions may ask the court for an order of nondisclosure of their criminal records. These conditions include not being convicted of or placed on deferred adjudication for certain offenses while on deferred adjudication and not having previous convictions for certain violent, sex, or family violence offenses.

If a court issues an order of nondisclosure, criminal justice agencies are prohibited from disclosing to the public criminal history records subject to the order. This makes criminal history records unavailable to the public but allows criminal justice agencies access to them and allows access by certain other listed entities listed in Government Code, sec.411.081 (i).

Under Code of Criminal Procedure, art. 42.12, sec. 20(a), certain persons placed on community supervision (probation) who complete at least one-third of their probation terms, or two years, whichever is less, can have their probation term reduced or terminated. If the probationer is

discharged from a sentence, the judge can set aside the verdict or allow the probationer to withdraw a plea and must dismiss the case. The person is then released from the penalties from the offense except that the conviction or guilty plea would be made known in the course of licensing for certain human service agencies and to a judge if the person was convicted of another offense.

**DIGEST:** CSHB 2286 would allow certain individuals placed on probation for prostitution to ask a court for an order of nondisclosure for the records of their offense if they committed prostitution solely as a victim of human trafficking.

The bill would apply to those who had their convictions set aside under the current process that allows judges to set aside convictions that the court reduced or terminated probation early. Individuals requesting nondisclosure under CSHB 2286 also would have to meet current requirements in Government Code sec. 411.081(e) for nondisclosure requests, including not being convicted of other offenses during their probation and not having previous convictions for certain crimes.

Courts could issue orders of nondisclosure only after notice to the prosecutor, an opportunity for a hearing, and a determination by the court that the individual committed the offense solely as a human trafficking victim and that the nondisclosure would be in the best interest of justice.

The order would have to prohibit criminal justice agencies from disclosing to the public the criminal history record information about the prostitution offense for which the individual was placed on probation. Criminal justice agencies could disclose records subject to an order only to other criminal justice agencies for criminal justice purposes, an agency or entity listed as authorized to receive them under the current nondisclosure statute, or the person subject to the order. A request for an order of nondisclosure could be made only after a person's conviction had been set aside.

The bill would take effect September 1, 2015, and would apply to those whose convictions were set aside by a court on or after that date.

**SUPPORTERS** CSHB 2286 would give help and relief to human trafficking victims

SAY: forced into prostitution by allowing them to request nondisclosure to seal their criminal records. The bill would help make a pathway for these victims to begin to recover and rebuild their lives.

Currently, human trafficking victims who are coerced into prostitution and who are convicted and placed on probation do not have a way to request nondisclosure of their record, even if they successfully complete their probation. These trafficking victims can have their records misconstrued and held against them. When these criminal records are publically available, these victims can struggle to rebuild their lives and have difficulties with access to housing, jobs, and school.

CSHB 2286 would remedy this by creating a process for this narrow group of deserving individuals to ask to have their records sealed. It would apply only to those who have had been successful on probation and had their conviction set aside. A judge would have to find that the individual committed the offense solely as a human trafficking victim and that the nondisclosure would be in the best interest of justice. The current restrictions on who can obtain orders of nondisclosure would apply, including not having new offenses.

The state has deemed that restricting public access to criminal records is appropriate in some circumstances, and CSHB 2286 would be consistent with those circumstances. The bill would not guarantee nondisclosure, as courts would make the final decision. Criminal justice authorities would continue to have access to the records.

OPPONENTS  
SAY: The state should carefully evaluate any expansion of those who could have their records sealed through orders of nondisclosure. Access to public records can be important for employers, landlords, the press, and others, and as eligibility for nondisclosure is expanded, this access decreases.

SUBJECT: Authorizing certain court costs for cases involving cruelly treated animals

COMMITTEE: Judiciary and Civil Jurisprudence — committee substitute recommended

VOTE: 8 ayes — Smithee, Farrar, Clardy, Laubenberg, Raymond, Schofield,  
Sheets, S. Thompson

0 nays

1 absent — Hernandez

WITNESSES: For — Chaninn Buckner, Harris County Attorney's Office; (*Registered, but did not testify*: Donna Warndof, Harris County; Shelby Bobosky, Texas Humane Legislation Network; Cile Holloway, Texas Humane Legislation Network; Carol Knight)

Against — None

BACKGROUND: Under Health and Safety Code, sec. 821.023, if a court finds that an animal's owner has cruelly treated the animal, the court must remove the animal from the owner and require the owner to pay all court costs.

Sec. 821.025 governs appeals in such cases. There is no similar requirement for the owner to pay court costs if the appeal is unsuccessful.

DIGEST: CSHB 234 would allow, but not require, a court to order an animal's owner who had been found to have cruelly treated the animal to pay the county's or municipality's reasonable attorney's fees.

Following an unsuccessful appeal, the court could order the owner to pay the county's or municipality's reasonable attorney's fees and court costs, including the costs of investigation and expert witnesses.

The bill would take effect September 1, 2015, and would apply only to proceedings commenced on or after the effective date.

SUBJECT: Withholding pensions from elected officials convicted of certain crimes

COMMITTEE: Pensions — favorable, without amendment

VOTE: 6 ayes — Flynn, Hernandez, Klick, Paul, J. Rodriguez, Stephenson

1 nay — Alonzo

WITNESSES: For — (*Registered, but did not testify*: Michael Quinn Sullivan, Empower Texans; Barbara Harless, North Texas Citizens Lobby; Ronald Boyd; Paul Frueh; Dustin Matocha)

Against — None

On — Rene Lara, Texas AFL-CIO

BACKGROUND: Government Code, sec. 812.001 establishes two classes of membership for the Employees Retirement System of Texas (ERS), the elected class and the employee class.

DIGEST: HB 681 would make members of the Legislature or statewide elected officials convicted of certain crimes ineligible for their retirement annuity.

A “qualifying felony” would include:

- bribery;
- embezzlement, extortion, or other theft of public money;
- perjury; or
- conspiracy or the attempt to commit any of the above crimes.

A member of the elected class for ERS would not be eligible to receive a retirement annuity if the member was convicted of a qualifying felony committed while in office and arising directly from the official’s duties.

A person whose conviction was overturned on appeal or who met requirements for innocence would be entitled to receive back retirement pay plus interest and could resume receiving pension payments. A

member whose conviction was overturned and who would not be eligible for retirement pay would be entitled to a refund of contributions, plus interest.

The bill would not affect benefits payment to an alternate payee, such as a spouse, former spouse, or child recognized by a domestic relations order established before September 1, 2015. A court would be able to award half of the forfeited retirement annuity as the separate property of an innocent spouse.

Ineligibility for a retirement annuity would not impair a person's right to any other retirement benefit for which the person was eligible.

This bill would take effect September 1, 2015, and would apply only to qualifying felonies committed after that date.

**SUPPORTERS  
SAY:**

HB 681 would ensure that elected state officials who were convicted of certain felony offenses did not receive a state-funded pension. Retirement benefits are meant to reward honorable service by public officials, and the vast majority rightfully earn their pensions. Those who violate the public trust by illegally using their office for personal gain should forfeit their pension benefits.

The bill would protect innocent spouses by allowing courts to award half of a forfeited retirement annuity to a spouse. Former spouses with existing alimony or child support orders would not lose benefits.

A number of states, including California, Missouri, and North Carolina, have laws terminating or garnishing public pensions for elected officials convicted of crimes. Texas should join these states by using the threat of lost pensions to deter criminal activity by elected officials.

**OPPONENTS  
SAY:**

HB 681 would add a "financial death penalty" on top of other punishment given to legislators or statewide elected officials convicted of certain felonies. Elected officials who engage in serious crimes should be punished to the full extent of the criminal law and not face additional punishment because the crime was committed while they were holding elective office. The possible deterrent effect of the law would be

unequally distributed among those who are elected and those who are not.

Some other states also withhold pension benefits from state employees convicted of criminal offenses. Once Texas starts down the road of withholding pensions for elected officials, it could easily broaden the law to apply to state employees, who could be even more dependent on retirement benefits than some elected officials.



SUBJECT: Increasing individual campaign expenditure cap for reporting duties

COMMITTEE: State Affairs — committee substitute recommended

VOTE: 9 ayes — Cook, Giddings, Craddick, Geren, Harless, Huberty, Kuempel, Smithee, Sylvester Turner

1 nay — Farrar

2 absent — Farney, Oliveira

WITNESSES: For — (*Registered, but did not testify*: Ruth Allwein and Joe Pojman, Texas Alliance for Life, Inc.)

Against — (*Registered, but did not testify*: Tom "Smitty" Smith, Public Citizen, Inc.)

BACKGROUND: Under Election Code, sec. 254.261(a), individuals who make one or more direct campaign expenditures in an election from their own property in excess of \$100 must comply with certain reporting requirements under the Election Code as if they were the campaign treasurer of a general-purpose committee. For example, a campaign treasurer must report to the Texas Ethics Commission the name of each candidate or officeholder who benefits from a direct campaign expenditure made, as required by sec. 254.031(a)(7).

As provided by sec. 254.001(e), failure to meet these requirements is a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000).

DIGEST: CSHB 3396 would require individuals who made one or more direct campaign expenditures in an election in an amount that exceeded \$1,000, rather than \$100, to comply with reporting requirements as if they were campaign treasurers.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take

effect September 1, 2015, and would apply only to the reporting of a contribution or expenditure made on or after that date.

**SUPPORTERS  
SAY:**

CSHB 3396 would remove a low threshold for campaign expenditures that is burdensome to individuals who must file a report with the Ethics Commission when their expenditures exceed \$100, which is less than the cost of some newspaper ads. The current law presents a barrier to individuals exercising their right to free speech because they must follow complicated rules that could result in them unknowingly committing a class B misdemeanor.

**OPPONENTS  
SAY:**

CSHB 3396 would remove important transparency protections in campaign law. While a threshold of \$100 may be low, numerous individual expenditures between \$100 and \$1,000 to a campaign could add up to be a substantial amount of money.

**SUBJECT:** Limiting the length of a billing month for a propane gas customer

**COMMITTEE:** Energy Resources — committee substitute recommended

**VOTE:** 11 ayes — Darby, Paddie, Anchia, Dale, Herrero, Keffer, P. King, Landgraf, Meyer, Riddle, Wu

1 nay — Craddick

1 absent — Canales

**WITNESSES:** For — Barton Prideaux; Amanda Stanley; Emily Vandermeer;  
(*Registered, but did not testify:* Albert Sanchez)

Against — None

**BACKGROUND:** Utilities Code, sec. 141.003 requires a propane distributor to charge a just and reasonable rate for propane gas. A just and reasonable rate is defined as the spot price plus the allowable markup, which is based on the volatility in the price over the past two years.

**DIGEST:** CSHB 2558 would provide limitations on the period of time between billing periods. Specifically, the bill would provide that that propane distributors could not include in a customer's bill charges from a period of more than:

- 32 days for a billing month in which the majority of days occur in December, January, or February; or
- 31 days for a billing month in which the majority of days in the billing month occur in any other month.

If an extreme condition occurred or continued on or after the 29th day of a billing month during the winter, the billing month could be extended while the extreme condition occurred.

Extreme conditions would be defined to include:

- impassable roads in the customer's county;
- a natural disaster;
- civil disruption, including war, riot, or labor disruption or stoppage.

The bill would take effect September 1, 2015, and would apply only to a billing month that began on or after the effective date.